



## UNITED STATES PATENT AND TRADEMARK OFFICE

### Facsimile Transmission

To:                      Name:                      ALAN TOWNSLEY  
                                 Company:  
                                 Fax Number:              2022937860  
                                 Voice Phone:  
  
From:                    Name:  
                                 Voice Phone:

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

#### Fax Notes:

---

Hi Dr. Townsley,  
As per my telephonic voicemail left today, I am sending you (by fax)  
a proposed Examiner's Amendment to the pending claims (that have been  
found to be allowable through an in house patentability conference  
with the Primary examiner, Irene Marx and SPE, Jon Weber) for  
applicant's quick considerations. Please let me know if there are any  
issues with the claims being allowed as amended by this Examiner's  
amendment, at your earliest (preferably by THU, 6th May 2010).  
Sincerely,  
Satyendra K. Singh  
Patent Examiner, AU 1657

---

Date and time of transmission: Tuesday, May 04, 2010 3:11:48 PM  
Number of pages including this cover sheet: 04

---

## **DRAFT**

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/14/2010 (along with the terminal disclaimer) has been entered.

Claim 32 has been canceled by applicant's amendments to the claims.

Claims 11, 13, 14, 25-27, 30, 31, 33, 35 and 37 (as amended) are currently pending and examined on their merits in this office action.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan C. Townsley (attorney of record) on May XXX 2010.

#### ***Terminal Disclaimer***

The terminal disclaimer filed on 04/14/2010 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the

Art Unit: 1657

copending application 10/504,463 (allowed on 11/06/2009) has been reviewed and is accepted.

The terminal disclaimer has been recorded.

The application has been amended as follows:

***In The Claims***

Claims 11, 13, 14, 25-27, 30, 31, 33, 35 and 37 have been allowed by this examiner's amended.

Claims 11, 30 and 37 have been amended as follows:

11. (currently amended): A sterile microorganism growth substrate comprising:

(a) a sterilized nutrient composition, wherein said composition is a biomass generated from bacterial cells by autolysis, optionally followed by ultrafiltration and evaporation, wherein said bacterial cells comprise *Methylococcus capsulatus* (Bath) (strain NCIMB 41526), *Ralstonia* sp. DB3 (strain NCIMB 41527), *Aneurinibacillus* sp. DB4 (strain NCIMB 41528) and *Brevibacillus agri* DB5 (strain NCIMB 41525), and wherein said bacterial cells are at least 50% by weight *Methylococcus capsulatus* (Bath) (strain NCIMB 41526) relative to the total bacterial weight;

(b) ~~at least one sterile nutrient, which is a carbon source, added to the biomass, wherein said at least one sterile nutrient is~~ glucose; and

(c) optionally a sterile diluent.

30. (currently amended): The substrate as claimed in claim 11, wherein the sterilized nutrient composition is a dried autolysate of ~~a~~ the bacterial biomass.

Art Unit: 1657

37. (currently amended): A sterile microorganism growth substrate comprising:

- (a) a sterilized nutrient composition, wherein said composition is a biomass generated from bacterial cells by autolysis followed by ultrafiltration and evaporation, wherein said bacterial cells comprise *Methylococcus capsulatus* (Bath) (strain NCIMB 41526), *Ralstonia* sp. DB3 (strain NCIMB 41527), *Aneurinibacillus* sp. DB4 (strain NCIMB 41528) and *Brevibacillus agri* DB5 (strain NCIMB 41525), and wherein said bacterial cells are at least 50% by weight *Methylococcus capsulatus* (Bath) (strain NCIMB 41526) relative to the total bacterial weight;
- (b) ~~at least one sterile nutrient, which is a carbon source, added to the biomass, wherein said at least one sterile nutrient is~~ glucose; and
- (c) optionally a sterile diluent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SATYENDRA K. SINGH whose telephone number is (571)272-8790. The examiner can normally be reached on 9-5MF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JON P. WEBER can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Satyendra K. Singh  
Examiner, Art Unit 1657